

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered. Claims 22-24 are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krassi (2002/0082957 A1), in view of Balisky (6,521,112 B1).

3. Krassi discloses a method of managing reagents used in an analyzer with the steps of: monitoring consumption status of said reagents so as to receive information on said consumption status (*see e.g. paragraph 0009 - a method of tracking reagent usage by one or more laboratory test instruments using reagents to perform tests*); analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said

consumption status (*see e.g. paragraph 0009 – analyzing the test data with the test definition data to produce reagent usage data*).

Krassi does not explicitly disclose a method of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers.

However, Balisky discloses transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers (*The analyzer is connected to the manager, via a RS422 data transfer arrangement – see e.g. col. 11, lines 34-45*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Krassi, and include the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers, as taught by Balisky, in order to keep a flow of supply for inventory management and/or keep history of use.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krassi (2002/0082957 A1), in view of Salvo et al. (6,341,271 B1).

5. Krassi discloses a method of monitoring consumption status of said reagents so as to receive information on said consumption status (*see e.g. paragraph 0009 - a method of tracking reagent usage by one or more laboratory test instruments using reagents to perform tests*); analyzing said consumption status of said reagents

according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status (*see e.g. paragraph 0009 – analyzing the test data with the test definition data to produce reagent usage data*);

Krassi does not explicitly disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers.

However, Salvo et al. disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers (*The analyzed information provides plant management and vendors with reliable, statistically based recommendations for inventory decisions, manufacturing schedules, and other manufacturing related needs – see e.g. col. 8, lines 1-4*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Krassi, and include the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers, as taught by Salvo et al., in order to provide all parties involved with the necessary information for decision making.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krassi ((2002/0082957 A1), in view of Balisky (6,521,112 B1), and in further view of Hosomi (2004/0220745 A1).

Krassi discloses a method of monitoring consumption status of reagents and transmitting said consumption status monitored (*a method of tracking reagent usage by one or more laboratory test instruments using reagents to perform tests; reporting the reagent usage data to the one or more users*); receiving information on said consumption status (*receiving test data from each one of the one or more test instruments*); analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status (*analyzing the test data with the test definition data to produce reagent usage data*) (see e.g. paragraph 0009); confirming said supply status based on said supply management information of said reagent.

Krassi does not explicitly disclose a method of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers.

However, Balisky discloses a method of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers (*The analyzer is connected to the manager, via a RS422 data transfer arrangement – see e.g. col. 11, lines 34-45*); confirming said supply status based on said supply management information of said reagent (see e.g. col. 2, lines 66-67- *send responses or status*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Krassi, and include the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers, as taught by Balisky, in order to keep a flow of supply for inventory management and/or keep history of use.

Krassi, in view of Balisky, do not explicitly disclose the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor.

However, Hosomi discloses the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor (*paying an additional charge when it is judged that the information on the guarantee number of measurements should be updated – see e.g. paragraph 0040*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Krassi, in view of Balisky, and include the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor, as taught by Hosomi, in order for the provider to realize a profit.

Response to Arguments

7. Applicant's arguments with respect to claim 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zweig et al. (6,629,057 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3627

/F. Ryan Zeender/
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Luna Champagne
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